

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2010 Legislative Session

Legislative Day # ____

BILL NO. 2010-09

Introduced by: Charles County Commissioners

CODE OF ETHICS

Date introduced: 04 / 06 / 2010

Public Hearing: 05 / 04 / 2010

Commissioners Action: 05 / 18 / 2010 Enact

Commissioner Votes: WC: Y, EP: Y, RC: Y, SG: Y, GH: Y

Pass/Fail: Pass

Effective Date: 07 / 02 / 2010

Remarks: _____

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law. 1

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2010 Legislative Session

Bill No. 2010-10

Chapter. No. _____

Introduced by County Commissioners of Charles County, Maryland

Date of Introduction April 6, 2010

BILL

1 AN ACT concerning

2 CODE OF ETHICS

3
4 FOR the purpose of

5
6 Amending the current Code of Ethics to expand the applicability, clarify and add
7 definitions, increase dollar amounts, expand the enforcement mechanisms available to the Ethics
8 Commission, and to move Chapter 44 of the Charles County Code into this Chapter 170.

9
10 BY repealing and reenacting, with amendments:

11 Chapter 170 – Ethics, Code of
12 *Code of Charles County, Maryland*
13 (1994 Edition, 1998 Supplement)

14
15 BY repealing:

16 Chapter 44 – Ethics
17 *Code of Charles County, Maryland*
18 (1994 Edition, 1995 Supplement)

19 **SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF**

1 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
2 follows:
3

4 **Chapter 170**

5 **ETHICS, CODE OF**

6 **§ 170-1. Applicability of provisions.**

7 NOTWITHSTANDING THE PROVISIONS OF TITLE 15 OF THE STATE GOVERNMENT
8 ARTICLE OF THE MARYLAND ANNOTATED CODE, ANY ENACTMENT OF THE
9 COUNTY COMMISSIONERS CONCERNING CONFLICTS OF INTEREST IS GOVERNED
10 BY THE FOLLOWING PROVISIONS. The provisions of this code apply to Charles County
11 officials, [and] employees AND ANY OTHER PERSON WHO LOBBIES A CHARLES
12 COUNTY OFFICIAL AND OR AN EMPLOYEE.
13

14 **§ 170-2. Definitions.**

15 As used in this chapter, the following words and/or terms shall have the meanings indicated:
16

17 **Confidential information** - Material or significant information received by an official or
18 employee by reason of or in the course of his relationship with an agency which is not intended at
19 the time received to be made public and as to which the official or employee is bound to act for
20 the benefit of the agency and not for his own benefit.
21

22 **Financial interest** - Ownership of more than THREE PERCENT (3%) of the invested capital or
23 capital stock of any entity, ownership of securities or obligations of any type which are or may
24 become equivalent to or convertible into ownership of more than THREE PERCENT (3%) of the
25 invested capital stock of any entity or ownership of any interest or involvement in any
26 relationship from or as a result of which the owner has, within the past three years, received or is

1 presently or in the future entitled to receive more than ONE THOUSAND DOLLARS (\$1,000)
2 per year.

3
4 **Gift** - MEANS THE TRANSFER OF anything of economic value, [whether in the form of
5 money, service, loan, gratuity, economic opportunity, travel, entertainment, hospitality or
6 promise] REGARDLESS OF FORM, WITHOUT ADEQUATE AND LAWFUL
7 CONSIDERATION. "GIFT" DOES [This shall] not include:

8 A. Gifts or rewards of a ceremonial nature, gifts or awards received upon retirement from
9 employment or in recognition of meritorious service or recognition of length of service or
10 gifts of nominal value received from fellow employees at an office party.

11 B. A commercially reasonable loan made in the ordinary course of business.

12 C. Advertising, promotional or informational materials such as pens, pencils, [notepads]
13 or other similar items of nominal value, WHICH ~~DOES NOT TOTALS MORE LESS~~
14 ~~THAN TWO HUNDRED AND FIFTY DOLLARS (\$250) ONE HUNDRED DOLLARS~~
15 ~~(\$100), IN ANY ONE CALENDAR YEAR BY ANY ONE ENTITY.~~

16 D. [Food or refreshments for consumption on the premises and reasonable
17 expenses for food, travel, lodging and scheduled entertainment at a meeting to which he
18 has been invited to participate in a panel or as a speaker.] GIFTS OF TICKETS OR
19 FREE ADMISSION EXTENDED TO AN ELECTED OFFICER TO ATTEND
20 PROFESSIONAL OR INTERCOLLEGIATE SPORTING EVENTS OR CHARITABLE,
21 CULTURAL OR POLITICAL EVENTS OR COURTESY OR HONORARY
22 MEMBERSHIP EXTENDED TO SUCH OFFICER IN CHARITABLE, CULTURAL,
23 SOCIAL OR POLITICAL ORGANIZATIONS IF THE PURPOSE OF SUCH GIFT,
24 ADMISSION OR MEMBERSHIP IS A COURTESY OR CEREMONY EXTENDED
25 TO THE OFFICE. UNLESS THE VALUE EXCEEDS TWO HUNDRED FIFTY
26 DOLLARS (\$250) IN A GIVEN CALENDAR YEAR, FOR ANY ONE ENTITY.

27 E. [Gifts of tickets or free admission extended to an elected officer to attend professional

1 or intercollegiate sporting events or charitable, cultural or political events or courtesy or
2 honorary membership extended to such officer in charitable, cultural, social or political
3 organizations if the purpose of such gift, admission or membership is a courtesy or
4 ceremony extended to the office.] GIFTS FROM FAMILY MEMBERS OR FAMILY
5 RELATIONS WHEN THE GIFT IS MOTIVATED SOLELY BY A FAMILY
6 RELATIONSHIP OR PERSONAL RELATIONSHIPS AND TOTALLY UNRELATED
7 TO COUNTY DUTIES.

8 F. [Gifts to and/or from a person related by blood or marriage or an intended spouse or a
9 member of his household.] THE SOLICITATION, ACCEPTANCE, RECEIPT, OR
10 REGULATION OF A POLITICAL CONTRIBUTION, THAT IS REGULATED IN
11 ACCORDANCE WITH THE ELECTION LAW ARTICLE, OF THE STATE CODE,
12 OR ANY OTHER STATE LAW REGULATING THE CONDUCT OF ELECTIONS OR
13 THE RECEIPT OF POLITICAL CONTRIBUTIONS.

14 [G. Political campaign contributions regulated in accordance with the provisions of
15 Article 33, § 26-1 et seq., of the Annotated Code of Maryland or any other provision of
16 state law regulating the conduct of elections or the receipt of political campaign
17 contributions.]

18
19 **EMPLOYEE** – [OFFICIAL AND/OR EMPLOYEE – All county employees or personnel,
20 whether full-time or part-time; the County Commissioners; and all members of appointed or
21 elected boards, commissions and committees of the county who receive any type of
22 compensation.] MEANS AN INDIVIDUAL ELECTED TO, APPOINTED TO, OR
23 EMPLOYED IN THE EXECUTIVE OR LEGISLATIVE BRANCH OF THE COUNTY; A
24 MEMBER, EXECUTIVE DIRECTOR, OR EMPLOYEE OF A COUNTY BOARD,
25 COMMISSION, AUTHORITY, OR SIMILAR ENTITY, WHETHER OR NOT
26 COMPENSATED; AN EMPLOYEE OF THE PUBLIC LIBRARY OF CHARLES COUNTY, A
27 COMMISSIONER, THE EXECUTIVE DIRECTOR, OR EMPLOYEE OF THE HOUSING
28 COMMISSION; A MEMBER OR EMPLOYEE OF THE BOARD OF LICENSE

1 COMMISSIONERS. ("EMPLOYEE" DOES NOT INCLUDE AN INDIVIDUAL WHO IS
2 SUBJECT TO THE PROVISIONS OF THE MARYLAND PUBLIC ETHICS LAW.)

3
4 **EMPLOYER** – MEANS A PERSON WHO PAYS OR AGREES TO PAY COMPENSATION
5 TO ANOTHER PERSON FOR SERVICES RENDERED.

6
7 **COMPENSATION** – MEANS MONEY OR ANY OTHER THING OF VALUE,
8 REGARDLESS OF FORM, RECEIVED OR TO BE RECEIVED BY A PERSON FROM AN
9 EMPLOYER FOR SERVICES RENDERED. FOR THE PURPOSE OF SECTION 15-701, *ET*
10 *SEQ.*, OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF
11 MARYLAND, IF LOBBYING IS ONLY A PORTION OF A PERSON’S EMPLOYMENT,
12 “COMPENSATION” MEANS A PRORATED AMOUNT THAT IS BASED ON THE TIME
13 DEVOTED BY THE PERSON TO LOBBYING AT THE TIME TO OTHER EMPLOYMENT
14 DUTIES.

15
16 **BUSINESS ENTITY** – MEANS A PERSON OR PERSONS ENGAGED IN BUSINESS,
17 WHETHER PROFIT OR NONPROFIT, REGARDLESS OF FORM.

18
19 **BOARD** – MEANS A GOVERNMENTAL UNIT COMPRISED OF AT LEAST TWO
20 MEMBERS, ALL OF WHOM ARE APPOINTED TO SERVE ON A PART-TIME BASIS.

21
22 **ENTITY** – DOING BUSINESS WITH THE COUNTY, MEANS:

23 A. A LOBBYIST IS ANY PERSON OR ENTITY REQUIRED TO REGISTER UNDER
24 SECTION 15-701, *ET. SEQ.*, OF STATE'S GOVERNMENT ARTICLE OF THE
25 ANNOTATED CODE OF MARYLAND;

26 B. A PERSON REGULATED UNDER THE GOVERNMENTAL UNIT OF THE

1 APPLICABLE EMPLOYEE; OR

2 C. A PERSON WHO IS A PARTY TO ONE OR A COMBINATION OF SALES,
3 PURCHASES, LEASES, OR CONTRACTS TO, FROM, OR WITH THE COUNTY
4 INVOLVING CONSIDERATION:

- 5 1. OF AT LEAST FIVE THOUSAND DOLLARS (\$5,000) ON A
6 CUMULATIVE BASIS DURING A CALENDAR YEAR FOR WHICH A
7 STATEMENT IS REQUIRED PURSUANT TO SECTION 15-601, *ET. SEQ.*,
8 OF STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF
9 MARYLAND, REGARDLESS OF WHEN THE CONSIDERATION IS TO BE
10 PAID; AND
- 11 2. WHICH SHALL INCLUDE AS OF THE AWARD OF EXECUTION OR A
12 CONTRACT OR LEASE, THE TOTAL CONSIDERATION COMMITTED TO
13 BE PAID UNDER THE CONTRACT OR LEASE, TO THE EXTENT
14 ASCERTAINABLE WHEN AWARDED OR EXECUTED, REGARDLESS OF
15 THE PERIOD OVER WHICH PAYMENTS ARE TO BE MADE.

16
17 **§ 170-3. Ethics Commission.**

18 A. Creation; membership. There shall be a Charles County Ethics Commission, which
19 shall be composed of five REGULAR members AND ONE ALTERNATE MEMBER,
20 SOLICITED FROM THE GENERAL PUBLIC OF CHARLES COUNTY. Of these
21 REGULAR members, one [member] shall be appointed by the Charles County Bar
22 Association, who shall be a member of the Association. The County Commissioners of
23 Charles County shall appoint the remaining four members AND ONE ALTERNATE.
24 [Of these four members, the County Commissioners may solicit and consider the
25 recommendation of an individual or individuals for appointment of one membership
26 which may be proposed by the Administrative Judge of the Circuit Court for Charles
27 County; and the recommendation of an individual, or individuals for appointment of one
28 membership which may be proposed by the Charles County Ministerial Association, or

1 any other religious, charitable or educational association in Charles County, who shall be
2 a member of such association.]

3 B. Officers; terms of office; vacancies; eligibility for membership. The Commission
4 shall select one of its members as Chairman AND ONE AS A VICE CHAIRMAN. The
5 members shall hold office for a term of four years, coextensive with the term of the
6 County Commissioners, and shall continue in office until their respective successors are
7 appointed. Vacant positions on the Commission shall be filled promptly, for the
8 unexpired term thereof, by whichever appointing authority appointed the member whose
9 position is being filled. Members of the Commission shall be eligible for reappointment.
10 [No official or employee] OFFICIALS/EMPLOYEES of the county AND [nor a
11 candidate] CANDIDATES for public office ARE INELIGIBLE [shall be eligible] to
12 serve on the Commission.

13 C. Meetings; quorum. Meetings shall be held at LEAST QUARTERLY OR at the call of
14 the Chairman OR IN HIS ABSENCE, THE VICE CHAIRMAN, or any three (3)
15 members of the Commission. Three (3) members shall constitute a quorum, and the
16 concurrence of at least three (3) members shall be required for any opinion or decision
17 rendered by the Commission. IN THE ABSENCE OF A REGULAR MEMBER, THE
18 ALTERNATE MEMBER SHALL TAKE HIS/HER POSITION ON THE
19 COMMISSION AND BE AFFORDED ALL THE RIGHTS AND PRIVILEGES OF
20 SAID MEMBER.

21 D. Legal advisor [designated]; DESIGNATED powers and duties. The Commission shall
22 be advised by the County Attorney [and shall have the following responsibilities]. THE
23 COMMISSION SHALL HAVE THE FOLLOWING RESPONSIBILITIES:

- 24 1. To devise, receive and maintain all forms generated by this chapter.
- 25 2. To provide published advisory opinions to persons subject to this code as to
26 the applicability of the provisions of this code to them, such publication to delete
27 information, data or references which identify the person or persons involved in
28 such opinion.

3. To investigate, process and make determinations as to complaints filed by any person alleging violations of this code.
4. To conduct a public information program FOR COUNTY EMPLOYEES AND THE GENERAL PUBLIC regarding the purposes and application of this code TO INCLUDE SUMMARIES OF PREVIOUS ADVISORY OPINIONS.

§ 170-4. Conflicts of Interest.

Charles County officials and employees shall not:

- A. Participate on behalf of the county in any manner which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child or a business entity in which they hold a financial interest, except as exempted by the Commission pursuant to Section 170-7 of this chapter.
- B. Hold or acquire a financial interest in a business entity that has or is negotiating a contract of [two thousand five hundred dollars (\$2,500.) or more] FIVE THOUSAND DOLLARS (\$5,000) OR FIVE THOUSAND DOLLARS (\$5,000) IN TOTAL WITHIN A SINGLE FISCAL YEAR with the county or is regulated by their agency, except as exempted by the Commission where the interest is disclosed pursuant to Section 170-7 of this Chapter.
- C. Be employed by a business entity that has or is negotiating a contract of more than [two thousand five hundred dollars (\$2,500.) with the county] FIVE THOUSAND DOLLARS (\$5,000) OR FIVE THOUSAND DOLLARS (\$5,000) IN TOTAL WITHIN A SINGLE FISCAL YEAR WITH THE COUNTY or is regulated by their agency, which employment is in connection with such contract or regulation, except as exempted by the Commission pursuant to Section 170-7 of this chapter.
- D. Represent any party, ~~for a contingent fee,~~ before any official, employee, board or commission listed in Section 170-5C of this chapter.
- E. Within [thirty (30)] ONE HUNDRED EIGHTY (180) days following termination of

1 county service, be employed by or act as compensated representatives of an outside party
2 or entity with respect to any specific matter in which they substantially participated as
3 county officials or employees and which employment or representation would cause an
4 unfair competitive advantage to accrue to said party or entity on any contract or
5 transaction with the county.

6 F. Solicit any gift [or accept gifts of greater than twenty-five dollars (\$25.) in value from
7 any person that has or is negotiating a contract with the county or is regulated by their
8 agency, except when these gifts would not present a conflict of interest as determined by
9 the Commission].

10 G. [Use the prestige of their office for their own benefit or that of another.] ACCEPT
11 GIFTS, GREATER THAN FIFTY DOLLARS (\$50.00) IN VALUE, FROM ANY
12 PERSON THAT HAS OR IS NEGOTIATING A CONTRACT WITH THE COUNTY
13 OR IS REGULATED BY THEIR AGENCY, EXCEPT WHEN THESE GIFTS WOULD
14 NOT PRESENT A CONFLICT OF INTEREST AS DETERMINED BY THE
15 COMMISSION.

16 H. [Use confidential information acquired in their official county position for their own
17 benefit or that of another] USE THE PRESTIGE OF THEIR OFFICE FOR THEIR OWN
18 BENEFIT OR THAT OF ANOTHER.

19 I. USE CONFIDENTIAL INFORMATION ACQUIRED IN THEIR OFFICIAL
20 COUNTY POSITION FOR THEIR OWN BENEFIT OR THAT OF ANOTHER.

21
22 **§ 170-5. Financial Disclosure.**

23 A. The county officials and employees listed in Subsection C of this section shall file
24 annually, not later than January 31 of each calendar year during which they hold office, a
25 WRITTEN FINANCIAL DISCLOSURE [statement] STATEMENT, HEREIN
26 REFERRED TO AS FDS, with the Commission disclosing [any gifts in excess of twenty-
27 five dollars (\$25.) in value] THAT THEY received NO GIFTS OR LIST ANY GIFTS IN

1 EXCESS OF FIFTY DOLLARS (\$50.00) IN VALUE RECEIVED during the preceding
2 calendar year from any person having a contract with the county or any person regulated
3 by their agency. The [statement] FDS shall identify the donor of the gift and its
4 approximate retail value at the time of receipt.

5 B. Candidates for elective offices or nomination thereto listed in Subsection C of
6 this section shall file [statements] FINANCIAL DISCLOSURE STATEMENTS (FDS),
7 consistent with the requirements of Subsection A of this section, at the time they file their
8 certification of candidacy with the Commission or its designee or with the Board of
9 Supervisors of Elections, which body shall forward such [statement] FDS to the
10 Commission at the start of the next business day following receipt of the [statement]
11 FDS.

12 C. The ~~following~~ officials and employees IN THE FOLLOWING POSITIONS, OR
13 EQUIVALENT POSITIONS AS DETERMINED BY THE COUNTY
14 ADMINISTRATOR, shall be required to file:

15 [(1)The County Commissioners.

16 (2)The County Treasurer and Deputy Treasurer.

17 (3)Members of the Board of Education.

18 (4)Members of the Planning Commission.

19 (5)Members of the Board of Appeals.

20 (6)Members of the Board of License Commissioners.

21 (7)Trustees of the Charles County Community College.

22 (8)The County Attorney and Assistant County Attorneys.

23 (9)The Finance Director.

24 (10)The County Planner.

25 (11)The County Administrator.

1 (12)The Public Works Director and the following other Public Works Department
2 personnel:

3 (a)The Deputy Director of Public Works.

4 (b)The Road Engineer.

5 (c)All inspectors.

6 (d)The Chief of Facilities and Capital Projects.

7 (e)The Landfill Supervisor.

8 (f)The Grading and Sediment Control Administrator.

9 (g)Project managers.

10 (h)The Chief Engineer.

11 (i)The Director of Protective Inspections.

12 (13)The Zoning Administrator.

13 (14)The Purchasing Director.

14 (15)The Superintendent of Schools, Deputy Superintendent of Schools and
15 Assistant Superintendents of Schools.

16 (16)The Purchasing Director for the Board of Education.

17 (17)The Attorney for the Board of Education.

18 (18)The County Health Officer and Chief Sanitarian.

19 (19)The Director of the Parks and Recreation Department.

20 (20)The Director of the Economic Development Commission.

21 (21)The Assistant and Deputy State's Attorneys.]

22 1. THE COUNTY COMMISSIONERS.

23 1-A. INTERNAL AUDITOR.

24 1-B. COMMUNICATIONS CONSULTANT.

- 1 2. COUNTY ADMINISTRATOR.
- 2 2-A. ASSISTANT TO THE COUNTY ADMINISTRATOR.
- 3 3. CHIEF OF STAFF.
- 4 4. SAFETY OFFICER.
- 5 5. COUNTY ATTORNEY.
- 6 5-A. ASSISTANT COUNTY ATTORNEY.
- 7 5-B. DEPUTY COUNTY ATTORNEY.
- 8 6. COMMUNITY SERVICES DIRECTOR.
- 9 6-A. CHIEF OF TRANSPORTATION.
- 10 6-B. CHIEF OF HOUSING AUTHORITY.
- 11 6-C. CHIEF OF AGING & COMMUNITY CENTERS.
- 12 6-D. CORE SERVICE MANAGER.
- 13 6-E. HSP LOCAL MANAGEMENT.
- 14 6-F. HOME INSPECTOR.
- 15 7. ECONOMIC DEVELOPMENT AND TOURISM DIRECTOR.
- 16 7-A. CHIEF OF TOURISM AND SPECIAL EVENTS.
- 17 7-B. CHIEF BUSINESS DEVELOPMENT.
- 18 7-C. CHIEF OF CLIENT MBE SERVICES.
- 19 8. EMERGENCY SERVICES DIRECTOR.
- 20 8-A. CHIEF OF EMS.
- 21 8-B. CHIEF OF FIRE AND EMS COMMUNICATIONS.
- 22 8-C. CHIEF OF EMERGENCY MANAGEMENT.
- 23 8-D. CHIEF OF ANIMAL CONTROL SERVICES.
- 24 9. FISCAL AND ADMINISTRATIVE SERVICES DIRECTOR.

1 9-A. DIRECTOR INFORMATION TECHNOLOGY.

2 9-B. CHIEF OF ACCOUNTING.

3 9-C. CHIEF OF BUDGET.

4 9-D. CHIEF OF PURCHASING.

5 9-E. COUNTY TREASURER.

6 9-F. DEPUTY COUNTY TREASURER.

7 10. HUMAN RESOURCES DIRECTOR.

8 10-A. ASSISTANT DIRECTOR OF HUMAN RESOURCES.

9 10-B. RECRUITMENT ADMINISTRATOR.

10 10-C. BENEFITS ADMINISTRATOR.

11 11. PLANNING AND GROWTH MANAGEMENT DIRECTOR.

12 11-A. PLANNING MANAGER.

13 11-B. CHIEF PERMIT ADMINISTRATION.

14 11-C. PLANNING DIRECTOR.

15 11-D. CHIEF OF RESOURCE AND INFRASTRUCTURE
16 MANAGEMENT.

17 11-E. CHIEF OF DEVELOPMENT SERVICES.

18 11-F. CHIEF CPIS.

19 11-G. BUILDING CODE OFFICIAL.

20 11-H. CODE ENFORCEMENT OFFICER.

21 11-I. CHIEF OF CAPITAL SERVICES.

22 12. PUBLIC FACILITIES DIRECTOR.

23 12-A. ASSISTANT DIRECTOR OF PUBLIC FACILITIES.

24 12-B. CHIEF OF PARKS.

- 12-C. CHIEF OF COUNTY ROADS.
- 12-D. CHIEF CIP / BUILDING AND TRADES.
- 12-E. ELECTRICAL SUPERINTENDENT.
- 12-F. CHIEF OF ENVIRONMENTAL RESOURCES.
- 12-G. CONSTRUCTION SUPERINTENDENT.
- 12-H. LANDFILL SUPERINTENDENT.
- 12-I. CONSTRUCTION INSPECTOR.
- 12-J. PURCHASING / STORES MANAGER.
- 12-K. CHIEF OF RECREATION.
- 13. UTILITIES DIRECTOR.
 - 13-A. CHIEF OF MAINTENANCE.
 - 13-B. CHIEF OF OPERATIONS.
 - 13-C. HVAC SUPERINTENDENT.
 - 13-D. EQUIPMENT MAINTENANCE SUPERINTENDENT.
 - 13-E. FLEET MAINTENANCE SUPERINTENDENT.
 - 13-F. LINE MAINTENANCE SUPERINTENDENT.
 - 13-G. HVAC / MAINTENANCE SUPERINTENDENT.
 - 13-H. WATER OPERATIONS SUPERINTENDENT.
 - 13-I. WASTEWATER OPERATIONS SUPERINTENDENT.
- 14. BOARDS AND COMMISSIONS.
 - 14-A. THE CHARLES COUNTY PLANNING & GROWTH
MANAGEMENT ADVISORY BOARD.
 - 14-B. AGRICULTURAL ADVISORY BOARD.
 - 14-C. BOARD OF APPEALS (ZONING).

1 14-D. BOARD OF LICENSE COMMISSIONERS (LIQUOR BOARD).

2 14-E. CABLE ADVISORY COMMISSION.

3 14-F. ETHICS COMMISSION.

4 14-G. PLANNING COMMISSION.

5 D. All county officials and employees or candidates for elective office to positions
6 subject to this section shall file a [statement] FDS with the Commission disclosing any
7 interest or employment, the holding of which would require disqualification from
8 participation pursuant to Section 170-4 of this chapter. Such filing shall be made by
9 candidates at the time that they file their certificate of candidacy. An official or employee
10 must file a disclosure of an interest which raises a conflict or potential conflict under
11 Section 170-4 of this chapter in connection with a particular proposed action by said
12 official or employee not less than three (3) business days prior to such action, except
13 where such interest has previously been disclosed.

14
15 **§ 170-6. Lobbying Disclosure.**

16 A. Any person who [personally appears before any county official or employee with the
17 intent to influence that person in the performance of his official duties and who, in
18 connection with such intent,] LOBBIES A CHARLES COUNTY OFFICIAL OR
19 EMPLOYEE AND WHO, IN CONNECTION WITH SUCH LOBBYING, expends or
20 reasonably expects to expend in a given calendar year in excess of [twenty-five dollars
21 (\$25.) on food, entertainment or other gifts for such official] FIVE HUNDRED
22 DOLLARS (\$500) ON GIFTS, INCLUDING BUT NOT LIMITED TO MEALS,
23 TICKETS, ADMISSION PASSES, AWARDS OR HONORARIA FOR COUNTY
24 OFFICIALS AND/OR EMPLOYEES, shall file a registration statement with the
25 Commission not later than January 15 of the calendar year or within five (5) business
26 days after first making these appearances.

27 B. The registration statement shall include complete identification of the registrant and of

1 any other person and/or organization on whose behalf the registrant acts. It shall also
2 identify the subject matter on which the registrant proposes to make these appearances
3 and shall cover a defined registration period not to exceed one (1) calendar year.

4 C. Registrants under this section shall file a written report [within thirty (30) days after
5 the end of] WITH THE COMMISSION BY FEBRUARY 1ST FOLLOWING any
6 calendar year during which they were registered disclosing the value, date, and nature of
7 any GIFTS IN EXCESS OF FIFTY DOLLARS (\$50.00), INCLUDING BUT NOT
8 LIMITED TO MEALS, TICKETS OR ADMISSION PASSES, AWARDS OR
9 HONORARIA PROVIDED TO COUNTY OFFICIALS AND/OR EMPLOYEES
10 DURING THE PRECEDING CALENDAR YEAR [food, entertainment or other gift
11 provided to a county official or employee. When a gift or series of gifts to a single
12 official or employee exceeds twenty-five dollars (\$25.) in value, the]. THE official or
13 employee shall also be identified.

14 [D. The registrations and reports filed pursuant to this section shall be maintained by the
15 Commission as public records available for public inspection and copying at such
16 reasonable days and times as determined by the Commission. The reasonable costs of
17 such copying shall be determined by the Commission and shall be paid by the person or
18 persons requiring the copies to be made.]

19
20 **§ 170-07. Exemptions and modifications.**

21 A. EXEMPTIONS AUTHORIZED. The Commission may [grant exemptions and
22 modifications to] EXEMPT FROM the provisions of sections 170-4 and 170-5 of this
23 chapter [if it determines that application of those provisions would] OR MAY MODIFY
24 THE REQUIREMENTS AS TO A BOARD, COMMISSION, OR AUTHORITY OR A
25 MEMBER OF A BOARD, COMMISSION, OR AUTHORITY OR ANY OTHER
26 INDIVIDUAL IF THE COMMISSION FINDS THAT, BECAUSE OF THE NATURE
27 OF THE BOARD, COMMISSION, OR AUTHORITY, THE APPLICATION OF THIS
28 CHAPTER TO THE BOARD, COMMISSION, OR AUTHORITY OR INDIVIDUAL:

1. WOULD BE [Constitute] an unreasonable invasion of privacy;
2. WOULD significantly reduce the availability of qualified individuals for public service; and
3. IS NOT NECESSARY [Not be required] to preserve the purposes of this [code] CHAPTER.

B. WRITTEN REQUEST. THE COMMISSION MAY GRANT AN EXEMPTION TO OFFICIALS, EMPLOYEES, AUTHORITIES, MEMBERS OF A BOARD OR COMMISSION ONLY ON WRITTEN REQUEST OF THE GOVERNMENTAL UNIT OR INDIVIDUAL INVOLVED.

C. OPEN RECORDS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE RECORDS OF THE COMMISSION IN ANY MANNER IN WHICH AN EXEMPTION IS GRANTED UNDER THIS CHAPTER SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

§ 170-8. Interpretation.

Nothing in this code of ethics shall be construed to prohibit an official from appearing in the pursuit of private interests as a citizen or from accepting or receiving any benefit by operation of law or from prosecuting or pursuing any claim, right, privilege or remedy allowed by law.

§ 170-9. Enforcement provisions.

A. The Commission may issue a cease and desist order against any person found to be in violation of this code and may seek enforcement of this order in the Circuit Court of Charles County. The Court may issue a cease and desist order and may also impose a fine of up to one thousand dollars (\$1,000.) for any violation of this chapter.

B. A county official or employee found to have violated this code may be subject to disciplinary or other appropriate personnel action, including but not limited to suspension of county salary or

1 other compensation.

2 C. TO COMPEL COMPLIANCE WITH AN ORDER OR TO SEEK OTHER RELIEF
3 AUTHORIZED BY THIS TITLE, THE COMMISSION MAY FILE A PETITION IN A
4 CIRCUIT COURT WITH VENUE OVER THE PROCEEDING.

5 D. THE COURT MAY COMPEL COMPLIANCE WITH THE COMMISSION'S ORDER BY
6 ISSUING AN ORDER TO CEASE AND DESIST FROM THE VIOLATION OR BY
7 GRANTING OTHER INJUNCTIVE RELIEF.

8 E. IN ADDITION, THE COURT MAY:

9 1. IMPOSE A FINE NOT EXCEEDING ONE THOUSAND DOLLARS (\$1,000) FOR
10 A VIOLATION OF THIS ARTICLE, WITH EACH DAY THAT THE VIOLATION
11 OCCURS BEING A SEPARATE OFFENSE; OR

12 2. EXCEPT AS PROVIDED IN SUBSECTION (C)(3), VOID AN OFFICIAL ACT OF
13 AN EMPLOYEE IF:

14 (i) THE EMPLOYEE HAD A CONFLICT OF INTEREST THAT IS
15 PROHIBITED BY THIS TITLE;

16 (ii) THE ACT AROSE FROM OR CONCERNED THE SUBJECT MATTER
17 OF THE CONFLICT;

18 (iii) THE PROCEEDING WAS BROUGHT WITHIN NINETY (90) DAYS
19 AFTER THE ACT OCCURRED; AND

20 (iv) THE COURT DETERMINES THAT THE CONFLICT HAD AN IMPACT
21 ON THE ACT.

22 3. NOT VOID AN OFFICIAL ACT THAT APPROPRIATES PUBLIC FUNDS,
23 LEVIES A TAX, OR PROVIDES FOR THE ISSUANCE OF A BOND, NOTE, OR
24 OTHER EVIDENCE OF PUBLIC OBLIGATION.

25 F. AFTER HEARING THE CASE, THE COURT MAY GRANT ALL OR PART OF THE
26 RELIEF SOUGHT.

1 **§ 170-10. POWERS AND DUTIES OF THE ETHICS COMMISSION.**

2 A. FOR THE LIMITED PURPOSE OF RESPONDING TO A FORMAL COMPLAINT AND
3 COMPLETING A RELATED INVESTIGATION, THE CHARLES COUNTY ETHICS
4 COMMISSION SHALL HAVE THE AUTHORITY TO ADMINISTER OATHS AND
5 AFFIRMATIONS, ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE AND
6 TESTIMONY OF WITNESSES AND ISSUE SUBPOENAS WITHIN CHARLES COUNTY
7 TO COMPEL THE PRODUCTION OF BOOKS, PAPERS, RECORDS, OR OTHER
8 DOCUMENTS.

9 B. THE COUNTY ATTORNEY SHALL PREPARE AN APPROPRIATE FORM FOR USE
10 BY THE COMMISSION WHEN THE COMMISSION ISSUES A SUBPOENA UNDER THIS
11 SECTION. THE SUBPOENAS SHALL CONTAIN THE FOLLOWING LANGUAGE IN
12 BOLD PRINT ON THE FACE OF THE SUBPOENA: "YOUR FAILURE TO OBEY THIS
13 SUBPOENA MAY BE REPORTED TO THE CIRCUIT COURT OF CHARLES COUNTY
14 AND THAT COURT SHALL CONDUCT A HEARING AT WHICH YOU WOULD BE
15 GIVEN AN OPPORTUNITY TO BE HEARD AS TO THE REASONS FOR YOUR REFUSAL
16 TO OBEY THIS SUBPOENA. FOLLOWING SUCH A HEARING, THE COURT MAY
17 COMPEL YOU TO OBEY THIS SUBPOENA."

18 C. A SUBPOENA MAY BE ISSUED UNDER THIS SECTION ONLY IF IT SIGNED BY AT
19 LEAST THREE ETHICS COMMISSION MEMBERS.

20 D. SERVICE OF SUBPOENA.

- 21 1. EACH SUBPOENA MAY BE SERVED IN THE SAME MANNER AS IF ISSUED
22 FROM A CIRCUIT COURT.
- 23 2. IF ANY PERSON FAILS TO OBEY A SUBPOENA LAWFULLY SERVED
24 UNDER THIS SECTION, THE COMMISSION MAY IMMEDIATELY REPORT THE
25 DISOBEDIENCE AND PROVIDE A COPY OF THE SUBPOENA AND PROOF OF
26 SERVICE TO THE CIRCUIT COURT FOR CHARLES COUNTY.
- 27 3. THE COURT SHALL CONDUCT A HEARING AND MAY GRANT

1 APPROPRIATE RELIEF AFTER PROVIDING THE PERSON WHO ALLEGEDLY
2 FAILED TO COMPLY WITH THE SUBPOENA AN OPPORTUNITY TO BE HEARD.

3 4. NOTHING IN THIS SECTION IS INTENDED TO ALLOW THE
4 CONTRAVENTION, DENIAL, OR ABROGATION OF ANY PRIVILEGE OR RIGHT
5 RECOGNIZED BY LAW.
6

7 **§ 170-11. DISCIPLINARY ACTION.**

8 IN ADDITION TO ANY OTHER PENALTY UNDER THIS CHAPTER, AN EMPLOYEE
9 FOUND BY THE COMMISSION OR A COURT TO HAVE VIOLATED THIS TITLE MAY
10 BE SUBJECTED TO DISCIPLINARY ACTION AND, IF SUBJECT TO AN ORDER OF THE
11 COMMISSION OR A COURT DIRECTING COMPLIANCE, SALARY OR OTHER
12 COMPENSATION MAY BE WITHHELD PENDING FULL COMPLIANCE WITH THE
13 ORDER.
14

15 **§ 170-11. PUBLIC INSPECTION.**

16 A. THE REGISTRATIONS AND REPORTS FILED PURSUANT TO THIS CHAPTER
17 SHALL BE MAINTAINED BY THE COMMISSION AS PUBLIC RECORDS AVAILABLE
18 FOR PUBLIC INSPECTION AND COPYING AT SUCH REASONABLE DAYS AND TIMES
19 AS DETERMINED BY THE COMMISSION. THESE DOCUMENTS SHALL BE RETAINED
20 FOR A PERIOD OF FOUR YEARS FROM THE DATE THE MATTER IS FINALLY
21 RESOLVED/ADJUDICATED.

22 B. PERSONS INTERESTED IN REVIEWING THE RECORDS WILL FIRST MAKE A
23 REQUEST IN WRITING TO THE COMMISSION WHO WILL COORDINATE THE
24 MATTER WITH THE COUNTY ATTORNEY BEFORE ANY RELEASE OF THE
25 INFORMATION IS GRANTED.

26 C. REASONABLE COSTS OF COPYING OF ANY RECORDS SHALL BE DETERMINED
27 BY THE COMMISSION AND SHALL BE PAID BY THE PERSON OR PERSONS

1 REQUIRING THE COPIES TO BE MADE.

2 D. ANY PERSON EXAMINING AND/OR COPYING ANY FINANCIAL DISCLOSURE
3 STATEMENT OR LOBBYIST REGISTRATION STATEMENT OR LOBBYING
4 DISCLOSURE STATEMENT, SHALL BE REQUIRED TO RECORD HIS NAME,
5 TELEPHONE, EMAIL ADDRESS, HOME/BUSINESS ADDRESS; AND THE NAME OF
6 THE PERSON(S) WHOSE STATEMENT WAS EXAMINED AND/OR COPIED.

7
8 **SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect [FORTY-FIVE (45)]
9 calendar days after it becomes law.

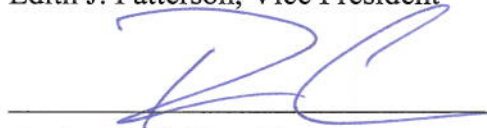
10 COUNTY COMMISSIONERS OF
11 CHARLES COUNTY, MARYLAND

12 
13 _____


14 Wayne Cooper, President

15 
16 _____

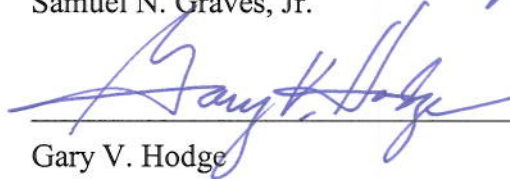
17 Edith J. Patterson, Vice President

18 
19 _____

20 Reuben B. Collins, II

21 
22 _____

23 Samuel N. Graves, Jr.

24 
25 _____

26 Gary V. Hodge

27
28 ATTEST:

29 
30 _____

Denise Ferguson, Clerk